

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

SCOTT AND RHONDA BURNETT, RYAN)
HENDRICKSON, JEROD BREIT, SCOTT)
TRUPIANO, JEREMY KEEL, SHELLEY)
DREYER, HOLLEE ELLIS, and FRANCES)
HARVEY, on behalf of themselves and all)
others similarly situated,)

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF)
REALTORS, REALOGY HOLDINGS)
CORP., HOMESERVICES OF AMERICA,)
INC., BHH AFFILIATES, LLC, HSF)
AFFILIATES, LLC, RE/MAX, LLC, and)
KELLER WILLIAMS REALTY, INC.,)

Defendants.

Case No: 4:19-cv-00332-SRB

Judge Stephen R. Bough

UNOPPOSED MOTION TO FILE UNDER SEAL

Defendants National Association of REALTORS® (“NAR”), Realogy Holdings Corp. (“Realogy”), HomeServices of America, Inc., BHH Affiliates, LLC, HSF Affiliates, LLC, RE/MAX, LLC, and Keller Williams Realty, Inc. (collectively “Defendants”) respectfully request that the Court enter an Order to provide leave to file under seal Defendants’ Supplemental Summary Judgment Briefs. In Support of this Motion, Defendants state as follows:

1. On November 17, 2022, at the hearing on Defendants’ Motions for Summary Judgment and Motions to Exclude Expert Witness Testimony, the Court ordered that the parties shall file supplemental summary judgment briefing on or before December 1, 2022, addressing “(1) what a non-cooperative transaction is; (2) whether the Defendants trained brokers and agents to provide specific compensation rates; and (3) the implication of the stay implemented on August 29, 2022.” (Dkt. 999).

2. All Defendants seek leave to file under seal, as necessary, Defendants' Supplemental Summary Judgment Briefing. According to the Court's Protective Order, information designated as "Confidential" or "Highly Confidential – Outside Counsel Eyes Only" shall be filed with the clerk under seal (Dkt. No. 92).

3. In their forthcoming Supplemental Summary Judgment Briefing, Defendants rely on, cite to, and incorporate various materials that have been designated as "Confidential" or "Highly Confidential – Outside Counsel Eyes Only" under the Protective Order. Accordingly, Defendants seek leave to submit these documents under seal as needed.

4. Counsel for Defendants has consulted with counsel for Plaintiffs as to this request and Plaintiffs have consented to this request.

5. This Motion is not filed for the purpose of delay or harassment and will not cause prejudice as the Motion is consented to by all parties in this matter.

6. WHEREFORE all Defendants request that this Court enter an Order to provide leave to file their Supplemental Summary Judgment Briefing under seal on the Court's ECF system.

Dated: November 30, 2022

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2022, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

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